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5th Court of Appeals  
FILED: 10-02-2018

Lisa Matz, Clerk

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COURT OF APPEALS

OCT 02 2018

LISA MATZ  
CLERK, 5th DISTRICT

**IN THE COURT OF APPEALS  
FIFTH DISTRICT OF TEXAS AT DALLAS**

**CAUSE NO. 05-18-00567-CV**

**DARLENE C. BALISTRERI-AMRHEIN, APPELLANT**

**VS.**

**ATTORNEY LENNIE BOLLINGER, ET AL, APPELLEES**

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On Appeal from County Court at Law # 6  
Cause No. CC 06-02654-2017

**FALSE LETTER TO MS. MATZ BY COURT REPORTER CONLEY,**  
**FALSE ORDER BY JUDGE JAY BENDER**  
**MOTION TO PROCEED WITH APPELLANT'S BRIEF FOR**  
**"GOOD CAUSE" REASONS**

COMES NOW, Appellant Darlene C. Balistreri-Amrhein to file False Statements By Court Reporter Jennifer Conley & False Order By Judge Bender & Motion To Proceed With Appellant's Brief For "Good Cause" Reasons as follows:

- 1) I never received any notice of any hearing scheduled as claimed by Court Reporter Jennifer Conley as stated to Ms. Matz for any date;
- 2) Court was notified that Appellant's mail was on hold, because of not living at home & unable to get around to pick up any mail;
- 3) Appellant received no email notice except attached received evening of Sept. 28, 2018 after any hearing to eliminate any testimony in record, knowing of "disability" & no accommodations is very convenient as in past as hospitalized;
- 4) Reporter Conley stated evidence of "not indigent" that she & Judge Bender decided with no proof like "fabricated evidence" in past with "no jurisdiction" as trespasser to prevent this transcript evidence for this Appeal;
- 5) In Judge Bender's Court Record, we find pages copied twice or three times, mixed documents, blurred document to prevent information or missing records to

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inflate costs that they know Appellant has no funds to pay to continue harassments;

6) Again, they hold a hearing on Sept. 28, 2018 without all parties present to rig, frame & harass Plaintiff / Appellant like on April 5, 2018 & any other dates;

7) County Court at Law No. 6, Judge Jay Bender, Appellees & their Attorneys are trying to prevent this Reporter's transcript, because it has damaging statements planned proving exparte communications, conspiracy & plans to "obstruct justice;"

8) Judge Bender, Attorneys, Clerk's & Reporter's intent was to prevent this Appeal to get away with their "illegal acts," so this hearing with "no notice" is how they rigged this lawsuit to disadvantage Plaintiff / Appellant; (Exhibits A, B)( C ) ~~QED~~

9) Plaintiff Appellant is "indigent" as recognized by many Courts & Authorities;

10) Appellant's income of \$1,340.00, monthly bills include \$520.00 for home fire insurance, car insurance \$120.00, medical bills of three spine surgeries, water, telephone, electric, gas, trash, maintenance bills, \$200 medications has caused 4 new collection agencies & all medical copays monthly exceeds this only income;

11) Appellant's computer is not working properly as hacked 1,627 times with viruses & could not be fixed & no money for anything; (Records unsealed.)

12) If Appellant had known of some hearing on Sept. 28, 2018 was incapacitated, having per surgery tests like 3 specialized MRI's, etc. which is time sensitive for first surgery within days by surgeons, so no interference in healthcare for disabled as in past causing additional "personal injuries," for which they are all liable;

13) Appellant's first spine surgery is scheduled for Oct. 9, or 17, 2018 depending on surgeon's "emergency" surgery schedule & of course they will claim no evidence without name of surgeon to harass him to point of Judge's last phone call causing surgeon quits one day before surgery, "dirty trick & abuse of process;"

14) Appellant invokes **HIPPA Laws of Privacy** & stop all these interferences;

7.

- 15) Appellant plans with Court's permission to file Appellant's Brief prior to surgery, so not to delay this Appellate Court, with all evidence, not blocked;
- 16) Appellant is waiting on 4 pieces of evidence from governmental agencies to be added to Appellant's Brief Appendix, which will be received in 10 days;
- 17) Appellant suspects that after examination of this Brief & Appendix with Court Record References & Exhibits will perhaps Order this April 5, 2018 hearing & September 28, 2018 "surprise hearing no notice" for further evaluation;
- 18) This maybe necessary for all Texas & United States Reports to Authorities as public against Defendants, Attorneys, Judges, lower Courts illegal acts in case;
- 19) This lawsuit includes refusal to hear this "sexual assault" portion required as Appellees tried the "joint defense" with the ex con, assaulter on Nov. 25, 2017;
- 20) Continued money extortion for \$160,000 by their co conspirators in 199<sup>th</sup> Collin County Court on Sept. 28, 2018, same day as reported to authorities & while County Court at Law No. 6 fabricated false evidence again to mislead; (Exhibit C)
- 21) Reason they want this Appeal stopped or fail as they know Appellant has plenty of "good evidence" for Appeal, that proves their continued "obstruction of justice" & "fraud upon courts" to decide this, as Appellees' reply is challenge to explain to this Court all fabrications, frauds, abuses & authorities' investigations.

**In Conclusion And Prayer**

Appellant can have this Brief & Appendix mailed to this Court with 15 days & if spine surgery, will have someone mail it to this Court timely, while incapacitated. Appellant is tired of lower Court's, et al "dirty tricks" to obstruct this Appeal, so please grant permission for Appellant's Brief & Appendix by October 15, 2018 & if necessary Order the April 5 & Sept. 28, 2018 hearing transcripts.

*Darlene C. Balistreri-Amrhein*

Respectfully submitted, Darlene C. Balistreri-Amrhein, Appellant, Pro Se

9/28/18

**VERIFICATION / AFFIDAVIT**

**No. 05-18-00567-CV &**

**Cause No. 006- 02654-2017**

STATE OF TEXAS

COUNTY OF COLLIN

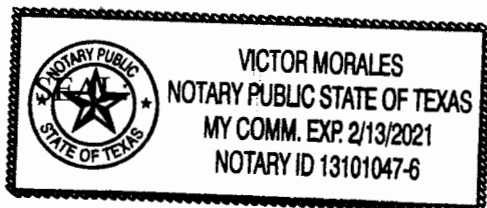
BEFORE ME, the undersigned Appellant Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed False Letter To Ms. Matz By Court Reporter Conley, False Order By Judge Jay Bender & Motion To Proceed With Appellant's Brief For "Good Cause" Reasons.

This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to the best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness & Justice under State and Federal Laws & presented in applicable Courts attached as sited for consideration of this Court filing.

*Darlene C. Balistreri-Amrhein*

Darlene C. Balistreri-Amrhein, Plaintiff & Appellant, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 29 September, 2018 to  
certify which witness my hand and official seal.



Victor Morales

Notary Public of Texas (Printed Name)

*Victor Morales*

Notary Public of Texas (Signature)

Commission Expires 2/13/2021

**Jennifer K. Corley, CSR**  
**Official Court Reporter**  
**County Court at Law No. 6**  
**2100 Bloomdale Rd., Ste. 30354**  
**McKinney, Texas 75071**  
**Phone: (972)547-1853**  
**Email: jcorley@collincountytx.gov**

September 28, 2018

Ms. Lisa Matz,  
Clerk of the Court  
Fifth Court of Appeals  
George L. Allen, Sr. Courts Building  
600 Commerce Street, Suite 200  
Dallas, Texas 75202-4658

Re: Appellate No. 05-18-00567-CV, Darlene C. Amrhein v. Attorney Lennie F. Bollinger, et al  
(Trial Court Cause No. 006-02654-2017)

Dear Ms. Matz:

This letter is to advise the Court of the status of the Reporter's Record in the above-referenced cause.

The Reporter's Record in this matter was due on September 11<sup>th</sup>, 2018. On September 7<sup>th</sup>, 2018, Appellant designated the date of the hearing she is requesting. On September 24<sup>th</sup>, 2018, Appellant was informed in writing via email of the estimated cost for the preparation of the Reporter's Record in this cause.

Today a hearing was held on the Court Reporter's Contest to Plaintiff Darlene C. Amrhein's "Statement of Inability to Afford Payment of Court Costs or an Appeal Bond" Filed with County Court at Law No. 6. Appellant did not appear. Evidence was presented. The Court sustained the contest, denied Appellant's affidavit of indigence, and found that Appellant is not indigent. An order reflecting same and signed by the Court is attached hereto.

As of this date, Appellant has not made payment or payment arrangements for the preparation of the record.

Thank you for your attention to this matter. Please feel free to contact me should you have any questions or need anything further.

Sincerely,

/s/ Jennifer K. Corley

Cc: Darlene C. Amrhein, Appellant, via email at [winsley112@yahoo.com](mailto:winsley112@yahoo.com)  
Carrie J. Phaneuf, Counsel for Defendant, via email at [cphaneuf@cobbmartinez.com](mailto:cphaneuf@cobbmartinez.com)

*Exhibit A*

Subject: RE: RE: Reporter's Record in Appellate Cause No. 05-18-00567-CV

From: jcorley@co.collin.tx.us

To: winsley112@yahoo.com

Cc: jcorley@co.collin.tx.us

Date: Monday, September 24, 2018 01:13:37 PM PDT

Ms. Amrhein,

The estimated cost for preparation of the Reporter's Record in the above-referenced cause is \$492.00. Payment is due before work can begin on the record.

Thank you,

*Jennifer K. Corley*

Official Court Reporter

County Court at Law No. 6

2100 Bloomdale Rd., Ste. 30354

McKinney, Texas 75071

(972)547-1853

**From:** Jennifer Corley

**Sent:** Friday, September 07, 2018 3:07 PM

**To:** 'Darlene Balistreri-Amrhein'

**Subject:** RE: RE: Reporter's Record in Appellate Cause No. 05-18-00567-CV

Ms. Amrhein,

I was out that day and I have contacted the sub reporter who covered the hearing for me. As soon as she gets back to me with the cost estimate, I will pass that information along to you.

Thank you,

*Jennifer K. Corley*

*Exhibit A-1*

CAUSE NO. 006-02654-2017

DARLENE AMRHEIN, et al	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NO. 6
	§	
ATTORNEY LENNIE F. BOLLINGER;	§	
WORMINGTON & BOLLINGER	§	
LAW FIRM	§	COLLIN COUNTY, TEXAS

**ORDER SUSTAINING COURT REPORTER'S CONTEST TO PLAINTIFF  
DARLENE C. AMRHEIN'S "STATEMENT OF INABILITY TO AFFORD  
PAYMENT OF COURT COSTS OR AN APPEAL BOND" FILED WITH  
COUNTY COURT AT LAW NO. 6**


On the 28th day of September, 2018, the Court was presented with evidence concerning Darlene Amrhein's allegation of indigence. The Court heard the evidence and finds that Darlene Amrhein is not indigent.

The Court finds that Darlene Amrhein had sufficient notice of this hearing in accordance with Rule 145 of the Texas Rules of Civil Procedure, and no motion to continue the September 28, 2018 hearing was ever filed or requested and none of the evidence presented was objected to.

The Court therefore SUSTAINS the contest.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED Darlene Amrhein is not indigent, her affidavit of indigence is denied, and the Court Reporter's Contest of Darlene Amrhein's Affidavit of Inability to Pay is **SUSTAINED**.

Signed this the 28<sup>th</sup> day of September, 2018.

  
HON. JAY A. BENDER,  
Judge Presiding

*Exhibit B*



Muskat  
Mahony  
Devine

Michelle Mahony  
Partner  
(713) 987-7849  
mmahony@m2dlaw.com

September 28, 2018

Via Court's Electronic Filing System and Regular Mail

Honorable Angela Tucker  
199th District Court  
Russell A. Steindam Courts Building  
2100 Bloomdale Road, Suite 10030  
McKinney, Texas 75071

Via Email to Case Coordinator

Leila Olivarri  
lolivarri@co.collin.tx.us

Re: Civil Action No. 199-05352-2016; *Darlene C. Amrhein vs. Prosperity Bank, Jo'el Elony, Keena Clifton, and Naomi Thames*; In the 199<sup>th</sup> District Court of Collin County, Texas

Dear Judge Tucker:

On September 7, 2018, the Court granted Defendants' motion for an order declaring Plaintiff Darlene C. Amrhein to be a vexatious litigant and requesting security. The order expressly requires Plaintiff to post security in the amount of a \$160,000 bond no later than September 27, 2018 at 5:00 p.m. or the "Court will dismiss this litigation with prejudice." A copy of that order is attached hereto.

As of the submission date of this letter, the Court's deadline has expired and Plaintiff has failed to post the required bond as confirmed by the Clerk today. Section 11.056 of the Texas Civil Practice and Remedies Code states that "[t]he court **shall** dismiss a litigation as to a moving defendant if a plaintiff ordered to furnish security does not furnish the security within the time set by the order." (Emphasis added). Defendants thus respectfully request that the Court sign and enter the enclosed proposed order dismissing Plaintiff's lawsuit as to all Defendants with prejudice.

Very truly yours,

/s/ Michelle Mahony

Michelle Mahony

MMM/jdr  
Enclosures



Honorable Angela Tucker  
Leila Olivarri  
September 28, 2018  
Page 2

CC: *Via Certified and Regular Mail and Email*

Darlene C. Amrhein  
112 Winsley Circle  
McKinney, Texas 75075  
Winsley112@yahoo.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was served on Darlene C. Amrhein on September 28, 2018 via the court's electronic filing system in accordance with the Texas Rules of Civil Procedure. It was also sent to Plaintiff by email and by certified and regular mail at her addresses of record on September 28, 2018.

*/s/ Michelle Mahony*

COUNSEL FOR DEFENDANTS

*Exhibit C*

**Certificate of Service & Certificate of Conference**

A true and correct and copy of False Letter To Ms. Matz By Court Reporter Conley, False Order By Judge Jay Bender & Motion To Proceed With Appellant's Brief & Appendix For "Good Cause" Reasons has been served by certified mail through United States Post Office on Sept. 29, 2018 to following:

Court of Appeals Fifth District Court, et al  
(Appeal No. 05-18-00567-CV)

600 Commerce Street, Suite # 200

Dallas, TX. 75202-4658

Certified # 7018 0680 0001 0116 4524

Judge Jay Bender & County Court at Law No. 6, et al

Court Reporter Jennifer Corley

Russell A. Steindam Courts Building,

2100 Bloomdale Road, Suite 30354

Collin County, Texas 75071

Certified # 7018 0680 0001 0116 4531

Cobb, Martinez, Woodland, Attorneys, et al

1700 Pacific Ave, Suite # 3100

Dallas, TX. 75201

Certified # 7018 0680 0001 0116 4548

No Conference as done evening of Set. 28, 2018 & mailed Sept. 29, 2018 morning  
& the Attorneys no available.

*Darlene C. Balistreri-Amrhein*

Respectfully submitted, Darlene C. Balistreri-Amrhein, Appellant, Pro Se

*9/28/18*

D. Amshair  
112 Winkley Circle  
McKinney, TX. 75071



Darlene C. Amshair  
112 Winkley Circle  
McKinney, TX 75071

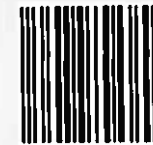
D. Amshair  
112 Wiskley Circle  
McKinney, TX 75071



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OCT 02 2018

LISA MATZ  
CLERK, 5th DISTRICT

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Court of Appeals & Ms Matz  
Fifth Court of Appeals at Dallas  
George Allen Bldg #200  
600 Commerce Street  
Dallas, TX. 75202

